

Calendar No. 609

104TH CONGRESS
2D SESSION**S. 1921**

To authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 1996

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 1996

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~SECTION 1. (a) The Secretary of the Interior (herein-~~
4 ~~after referred to as the "Secretary") is authorized to~~
5 ~~transfer all right, title, and interest of the United States~~
6 ~~in and to canals, drains, laterals, pumps, properties and~~

1 withdrawn or acquired lands and roads, together with as-
2 sociated rights-of-way, of the Minidoka project to and
3 within the service area of the Burley Irrigation District
4 (hereinafter referred to as the "District") for which the
5 allocable construction costs have been fully repaid, without
6 compensation, to the District.

7 (b) The Secretary shall also transfer to the District,
8 in accordance with and subject to State law, any water
9 rights held by the Secretary for the benefit of the District
10 and shall provide the District with a permanent allocation
11 of storage space at Minidoka Dam, American Falls, and
12 Palisades in accordance with the terms of the existing con-
13 tracts and subject to the requirement that the District
14 continue to assume the allocable costs of operation and
15 maintenance associated with such storage rights.

16 (c) The Secretary shall also provide the District with
17 a permanent right to project power from the Minidoka,
18 Palisades, Black Canyon, and Anderson Ranch power
19 plants at the cost of production in accordance with the
20 understandings and commitments made by the Secretary
21 in acquiring such plants and the existing contracts for
22 such power. At the request of the District, the Secretary
23 is further authorized to transfer such plants to the Dis-
24 trict at such reasonable cost and subject to such terms

1 and conditions as may be mutually agreed between the
2 District and the Secretary.

3 *SECTION 1. (a) The Secretary of the Interior (herein-*
4 *after referred to as the “Secretary”) shall, subject to para-*
5 *graph (d), convey by quitclaim deed or patent all right,*
6 *title, and interest of the United States in and to the with-*
7 *drawn and acquired lands and rights-of-way of the South-*
8 *side Pumping Division (Division) of the Minidoka Project,*
9 *Idaho, together with the canals, drains, laterals, roads,*
10 *pumps, checks, headgates, transformers, substations, build-*
11 *ings, transmission lines, and other improvements or appur-*
12 *tenances located thereon and used for the delivery of water*
13 *from Lake Walcott reservoir to the lands within Burley Ir-*
14 *rigation District, including all facilities used in conjunc-*
15 *tion therewith including the electric transmission lines used*
16 *for the operation of the pumping facilities of the project*
17 *for which the allocable construction costs have been fully*
18 *repaid, to Burley Irrigation District (District). The cost of*
19 *transfer of title and related activities shall be shared equally*
20 *between the United States and the District up to a total*
21 *cost of Eighty Thousand Dollars (\$80,000) at which time*
22 *the United States shall pay all remaining costs incurred.*
23 *(b) The Secretary shall also transfer to the District,*
24 *in accordance with and subject to State law, all natural*
25 *flow and ground water rights held by the Secretary for the*

1 *benefit of and for the use on the land within the District;*
 2 *and the allocation of storage space in Minidoka, American*
 3 *Falls and Palisades reservoirs to the District in accordance*
 4 *with the terms of contract Nos. 14-06-100-2455 and 14-*
 5 *06-W-48 of the District is hereby affirmed, subject to the*
 6 *requirement that the District continue to assume its alloca-*
 7 *ble costs of operation and maintenance associated with such*
 8 *storage facilities.*

9 (c) *The Secretary shall also provide the District with*
 10 *a permanent right to project reserve power from the*
 11 *Minidoka, Palisades Black Canyon, and Anderson Ranch*
 12 *reclamation power plants at the cost of production in ac-*
 13 *cordance with understandings and commitments made by*
 14 *the Secretary in acquiring such plants, the Reclamation Act*
 15 *and the existing contracts for such electrical power. Upon*
 16 *the decision of the Federal Government to transfer operation*
 17 *and maintenance or title of the Minidoka Power Plant, the*
 18 *Secretary shall grant to those entities entitled to storage*
 19 *water in Lake Walcott under spaceholder contracts with the*
 20 *United States a right of first refusal to acquire the power-*
 21 *plant and related facilities at such reasonable cost and sub-*
 22 *ject to such terms and conditions as may be mutually*
 23 *agreed between spaceholders and the Secretary.*

24 (d) *The District shall continue to recognize the right*
 25 *of Minidoka Irrigation District to joint use of the gravity*

1 *portion of the Southside canal being transferred to the Dis-*
2 *trict, subject to its compliance with those terms and condi-*
3 *tions of that certain contract between the District and*
4 *Minidoka Irrigation District, and any amendments or*
5 *changes hereafter made by agreement of said irrigation dis-*
6 *tricts.*

7 *(e) Effective on the date of conveyance of the title of*
8 *the distribution and related works of the Division, the Unit-*
9 *ed States shall not be held liable by any court for damages*
10 *of any kind arising out of any act, omission, or occurrence*
11 *relating to the transferred works, except for damages caused*
12 *by acts of negligence committed by the United States or by*
13 *its employees, agents, or contractors prior to the date of con-*
14 *veyance. Nothing in this section shall be deemed to increase*
15 *the liability of the United States beyond that currently pro-*
16 *vided in the Federal Tort Claims Act, 28 U.S.C. 2671 et*
17 *seq.*

18 *(f) The United States shall complete the transfer, in-*
19 *cluding such action as may be required under the National*
20 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
21 *within 24 months of the passage of this Act.*

22 *(g) If the transfer is not completed by January 1,*
23 *1999, the title and interest of the United States cited in*
24 *this section are conveyed to the District on that date by*

- 1 *operation of law. Upon the request of the District the Sec-*
- 2 *retary shall provide evidence of the transfer.*

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